

Alabama Board of Home Medical Equipment Services Providers

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
July 24, 2002**

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Functional and Organizational Analysis of the Alabama Board of Home Medical Equipment Services Providers

Sources of Information

Representatives of the Alabama Board of Home Medical Equipment Services Providers

Code of Alabama, 1975, Sections 34-14C-1 through 34-14C-8

Code of Alabama, 1975, Section 41-20-3 (Sunset Law)

Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, 473-x-1 through 473-x-6.

Historical Context

The Alabama Board of Home Medical Equipment Services Providers was established in 2000. There was no state agency regulating home medical equipment providers before this board was established.

Agency Organization

The board consists of nine members. The majority of board members are representatives of home medical equipment service providers. These representatives are chosen from the Alabama Durable Medical Equipment Association or its successor. Also included in board membership are the following: a consumer of home medical equipment services, a physician, a representative from an acute-care hospital, and a representative from the home health agency community. The term served by the board members is three years. Terms may be renewed for three years. The board employs an executive director and others as needed to efficiently accomplish its duties. The board contracts with the management firm of Warren & Company to handle its daily operations. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function for the Alabama Board of Home Medical Equipment Services Providers is to license and regulate home medical equipment services providers of Alabama. The board is one of the agencies responsible for the Regulatory function of Alabama government. In the performance of its mandated function, the board may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** In accordance with the Administrative Procedures Act (Code of Alabama 1975, Section 41-22-3), the board has the authority to prescribe rules and regulations for home medical equipment services providers. The board also develops the appropriate procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and

promulgation of rules, regulations, and procedures by the board for carrying out its duties and responsibilities.

- **Licensing.** The board is authorized to license home medical equipment services providers. The provider submits an application, which is reviewed by the board, to determine if the applicant meets requirements set out in the Code of Alabama. The board may also inspect the applicant prior to licensure. When a provider has more than one location, each location must obtain its own license. The license is effective the day the applicant receives written notification from the board. The board may deny, revoke, or suspend a license. Licensed providers are required to renew their licenses annually.
- **Monitoring.** The board may conduct random inspections upon applicants for licensure renewal, or as necessary, to ensure the integrity and effectiveness of the licensing process. The board staff may also inspect the provider whenever a complaint is filed. Upon notice of failure to pass an inspection, the applicant has thirty days to appeal the results. All applicants/licensees are entitled, upon appeal, to an inspection review or a new inspection by the board staff.
- **Enforcing.** The board hears and tries charges against home medical equipment services providers for any violation of Alabama laws or regulations, as defined in the Code of Alabama 1975, Section 34-14C-6. Complaints must be filed with the board in a specific form and will be verified under oath by the complainant. The board may dismiss the complaint or may elect to hold a hearing. The provider convicted of a violation by the board can appeal the decision to a county circuit court.
- **Administering Internal Operations.** A significant portion of the board's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Analysis of Record-Keeping System and Records Appraisal of the Alabama Board of Home Medical Equipment Services Providers

Agency Record-Keeping System

The Alabama Board of Home Medical Equipment Services Providers currently operates a hybrid record keeping system composed of paper and electronic records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Board of Home Medical Equipment Services Providers: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met.

- **Licensure Files.** Included in these records are applications and written notifications that the provider was licensed. The application contains important information on the home medical equipment services providers. The recommended retention for these records is five years after the license has become inactive in case the ex-licensees decide to renew their licenses.
- **Renewal Files.** These are records created when a licensee renews his/her license. Licenses are renewed annually. The board uses these files to keep track of renewals but also to see if the licensee is following the rules and regulations of the board. The recommended retention is five years after the record has been created.
- **Investigation Files.** If a complaint is filed and the board has reason to believe that the operator of the establishment or a licensee is failing to comply with the law, the board conducts an investigation. If the investigation indicates that the licensee is not complying with rules and regulations, the board may conduct a hearing. If the operator or a licensee is not in compliance, the board may suspend, revoke, or refuse to renew the license. The recommended retention is five years after the license becomes inactive.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations:

- **Published Rules and Regulations.** The board publishes a booklet for public distribution. Included are excerpts from the Code of Alabama and the board's administrative code. This publication should be retained because it documents all professional rules and procedures governing home medical equipment services providers in Alabama. (RDA page 3-2)(**Bibliographic Title: Rules and Regulations**)
- **Meeting Minutes and Orders of the Board.** The meeting minutes of the board document decisions and actions including the approval or denial of licenses. These records provide important documentation of the board's actions that may not be found elsewhere. (RDA page 3-2) (**Bibliographic Title: Meeting Minutes**)

Licensing:

- **Roster of Licensees.** The board maintains a roster of licences on its database. This roster contains a list of licensees, addresses, license numbers, license issue dates, and license expiration dates. The roster provides key documentation of home medical equipment services providers, thus a copy should be printed out annually for permanent retention. (RDA page 3-2)(**Bibliographic Title: Roster of Licensees**)

Monitoring:

- This board currently creates no permanent records under this subfunction.

Enforcing:

- This board currently creates no permanent records under this subfunction.

Administering Internal Operations:

- This board currently creates no permanent records under this subfunction.

Permanent Records List
Alabama Board of Home Medical Equipment Services Providers

Promulgating Rules and Regulations

1. Published Rules and Regulations
2. Meeting Minutes and Orders of the Board

Licensing

1. Roster of Licensees

Alabama Board of Home Medical Equipment Services Providers Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Board of Home Medical Equipment Services Providers. The RDA lists records created and maintained by the Alabama Board of Home Medical Equipment Services Providers in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama Board of Home Medical Equipment Services Providers to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Personnel Department. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery,

blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value, copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about agency social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Home Medical Equipment Services Providers and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ **Promulgating Rules and Regulations**

MEETING MINUTES AND ORDERS OF THE BOARD

Disposition: PERMANENT RECORD.

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

Register of Administrative Rules

Disposition: Temporary Record. Retain in Office (Code of Alabama, 1975 Section 41-22-6).

■ **Licensing.**

ROSTER OF LICENSEES

Disposition: PERMANENT RECORD.

Licensure Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Renewal Files

Disposition: Temporary Record. Retain 5 years after the record has been created.

■ **Monitoring**

Inspection Records

Disposition: Temporary Record. Retain 5 years after record has been created.

■ **Enforcing**

Investigation Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

■ **Administering Internal Operations**

Managing the Agency:

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

System documentation (hardware/software manuals and diskettes, warranties, Y2K Records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products.

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

Disposition: Retain in office (Code of Alabama 1975, Sections 41-16-24).

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Approval of Records Disposition Authority

By signing this agreement the Alabama Board of Home Medical Equipment Services Providers acknowledges its responsibilities in the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama Board of Home Medical Equipment Services Providers will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in July of each year, and ensuring the regular implementation of the agency's approved RDA.
- Permanent records in the Alabama Board of Home Medical Equipment Services Providers' custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent

records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

- The Alabama Board of Home Medical Equipment Services Providers agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the agency and to inspect records destruction documentation. Government Records Division archivists are available to train the agency's staff in RDA implementation and otherwise assist the agency in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____
Paula McCaleb, Executive Secretary
Alabama Board of Home Medical Equipment Services Providers

By: _____ Date: _____
Edwin C. Bridges, Chairman
State Records Commission